

**GOVERNMENT OF TELANGANA**  
**ABSTRACT**

Tribal Welfare Department - Khammam District - Revision Petition filed by Smt.Goda Krishna Kumari W/o Laxmanrao R/o Penuballi (V)& (M), Khammam District aggrieved by the orders of the Additional Agent to Government, Bhadrachalam in C.M.A. No.248/ 2007 dated 22.01.2011 - Rejected - Orders - Issued.

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**TRIBAL WELFARE (LTR) DEPARTMENT**

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G.O.Ms.No. 41

Dated: 04-10-2018,  
Read the following:-

- 1) Review Petition filed by Smt.Goda Krishna Kumari W/o Laxmanrao R/o Penuballi (V) & (M), Khammam district, dated 13.7.2011.
- 2) Govt.Memo.No.10548/LTR.2/2011, dated 11.8.2011.
- 3) Hon'ble High Court order dated 16.08.2011 in WP No. 22385/11 filed by Smt.Goda Krishna Kumari W/o Laxmanrao R/o Penuballi (V),Penuballi (M), Khammam district.
- 4) From the Additional Agent to Government, Bhadrachalam, Letter RP No.10548/LTR- 2/08, dated 9.12.2012.

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**ORDER**

In the reference 1<sup>st</sup> read above, Smt. Goda Krishna Kumari W/o Laxmanrao, R/o Penuballi (V) & (M), Khammam District has filed Revision Petition before the Government aggrieved by the orders of the Additional Agent to Government, Bhadrachalam in C.M.A. No.248/ 2007 dated 22.01.2011 in respect of land to an extent of Acs. 1.04 in Sy.No.52/Da/14/4 of Gowraram (V), Penuballi (M), Khammam District.

2. In the reference 2<sup>nd</sup> read above, while enclosing a copy of the Revision Petition, the Project Officer & Additional Agent to Government, Bhadrachalam was requested to furnish Para Wise Remarks and connected case records and in the reference 4<sup>th</sup> read above the Additional Agent to Government, Bhadrachalam has furnished Para Wise Remarks and connected case records.

3. In the reference 3<sup>rd</sup> read above, the Hon'ble High Court in its order dated 16.08.2011 in WP No. 22385/11 filed by Smt. Goda Krishna Kumari W/o Laxmanrao, R/o Penuballi (V)& (M), Khammam district has issued orders to maintain status- quo as on the day with regard to the possession of the land in question.

4. The Main grounds of the case are as follows:

- The order of the Additional Agent to Government under revision is arbitrary, not in appreciation of the facts in accordance with law, ultra vires the provisions of Land Transfer Regulation 1/1959 as amended by Regulation 1/1970, against the principle of natural justice and against the binding precedents of the Hon'ble High Court of judicature of A.P. and the Hon'ble Supreme Court of India. Therefore not sustainable under law.
- That the order under revision is issued by the Additional Agent to Government, Bhadrachalam with material irregularity and illegally, without considering and appreciating the grounds of appeal filed by the petitioner and passed the order under revision without any justification and therefore the impugned order under appeal is liable to be set aside.
- That the Additional Agent to Government, Bhadrachalam failed to note and consider that, he is having jurisdiction to pass order and decree ejectment of the persons who are in possession of immovable property in the schedule area claiming under transfer affected subsequent to the commencement of the Regulation, and that he is not having jurisdiction or authority to adjudicate anything in respect of the possession of the petitioner who is claiming possession since long prior to the commencement of the Regulation. Therefore

the order of the Additional Agent to Government, Bhadrachalam is without jurisdiction, and the observation is supported by any evidence, enquiry or justifiable reasons. Therefore the order under revision is liable to be set aside.

- The Additional Agent to Government, Bhadrachalam having failed found that the possession of petitioner is since prior to regulation, ought to have confirmed the orders of the Special Deputy Collector by dismissing the appeal, the Additional Agent to Government, arbitrarily without any jurisdiction and authority passed the order under revision.
- The finding given by the Additional Agent to Government, Bhadrachalam as if the appellant stated that the subject property was purchased by her father-in-law is not correct, since from the beginning the contention of the appellant is the property purchased by her father from Goda Garatam.
- The Additional Agent to Government, Bhadrachalam instead of throwing burden on the appellant whether the order passed by the primary authority against the dead person or not, ought to have conducted enquiry through the Mandal Revenue Officer, Penuballi Mandal for verification.
- Fixed court fee is paid and the revision is filed within the stipulated period of limitation.
- That for these and other grounds of revision that may be urged at the time of arguments, the revision petitioner herein prays that the Government of A.P. be pleased to suspend the impugned orders under revision dt:22-1-2011 in CMA.No.248/2007 pending disposal of the revision, and call for the connected records from the Additional Agent to Government in CMA.No.248/2007 and the records from the Special Deputy Collector(TW), Bhadrachalam in L.T.R. Case No.248/05/PNB and set aside the impugned orders dt:22-1-2011 on the file of the Additional Agent to Government, in respect of the schedule land for want of jurisdiction, and defects as stated supra, and pass such other order or orders as the Hon'ble Government deems fit and proper in the circumstances of the case.

5. The remarks of the Additional Agent to Government, Bhadrachalam on the Revision Petition are as under:

- Originally an Land Transfer Regulation case No.248/05 was initiated before the Special Deputy Collector (TW) Bhadrachalam herein between Madiraju Srirama Rao as petitioner and Godha Krishna Kumari as Respondent. The Special Deputy Collector (TW) Bhadrachalam (2<sup>nd</sup> Respondent herein) after due enquiry passed ejectment orders on 06-09-2005. Against the said order of the Special Deputy Collector(TW) Bhadrachalam CMA No.248/07 was filed before the Additional Agent to Government, Bhadrachalam. The Additional Agent to Government after due enquiry dismissed the appeal on 22-01-2011.
- Against the orders of the Additional Agent to Government, Bhadrachalam, the present revision is filed. The Revision Petitioner's case is that her father-in law Sri Godha Garatam (Gandham) purchased the land on 21-03-1962 for the Rupees @ 1500/- from Madiraju Sriram Rao through a sada sale deed which is on white paper.
- The white paper sale cannot be considered as a sale deed before the Special Deputy Collector(TW) the Revision Petitioner's husband Godha Laxmi Narayana attended the court and deposed that his father-in-law Nagula Venkateswarlu has got (3) daughters and the Revision Petitioner is the 2<sup>nd</sup> daughter who got the land in the year 1998. As per this the Revision Petitioner got the land from her father in the year 1999. Apart from this in the pahani extracts for the years 1965-66, 1966-67 filed by the Revision Petitioners the names of Madiraju Sriram Rao and Mittapalli Nagaratnam shown as joint Pattadar and Godha Garatam shown as enjoyer. But as per the pahani for the years 2003-2004

the Revision Petitioner is in possession of the patta land of Madiraju Sriram Rao by way of sale. The Revision Petitioner's name or his father-in-law's name does not find place in pattadars columns.

- This is a proof that the Revision Petitioner is not Pattadar and she is in possession of the others patta land in contravention of the Regulation. Both the lower courts clearly discussed case and verified the records and passed orders. The Revision Petitioner failed to establish here lawful possession over the schedule land. Therefore the case is dismissed.
- In view of the above, that the orders passed by the lower courts the Special Deputy Collector(TW), Bhadrachalam herein are proper and legally correct and in accordance with the provisions of APSA Land Transfer Regulation 1/59 as amended by 1/70. It is therefore prayed that the Government may be pleased to dismiss the Revision Petition.

6. Government after conducting hearings and after careful examination of the Revision Petition and as verified from the documents produced before the authority as well as before the Additional Agent to Government, Bhadrachalam it is observed that;

- The Revision Petitioner claims that her father-in-law Sri Goda Garatam has purchased the land on 21.03.1962 through a sada sale deed and she inherited the property from her father-in-law. The purchaser should have got it registered in case he actually purchased the land.
- Further the Revision Petitioner is not having any proof to show that she or her father-in-law are in possession of the land since 1962.

7. Government after careful examination of the matter, hereby rejects the Revision Petition filed by Smt.Goda Krishna Kumari W/o Laxmanrao R/o Penuballi (V), & (M), Khammam District and hereby upholds the orders of the Addl.Agent to Government and Project Officer, ITDA, Bhadrachalam in C.M.A. No.248/ 2007 dated 22.01.2011 in respect of land to an extent of Acs.1.04 in Sy.No.52/Da/14/4 of Gowraram (V), Penuballi (M), Khammam District.

8. The Additional Agent to Government and Project Officer, ITDA, Bhadrachalam, Bhadradi Kothagudem District shall take necessary further action accordingly. The original case records received in the reference 4<sup>th</sup> read above are returned herewith to the Additional Agent to Government and Project Officer, ITDA, Bhadrachalam.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

BENHUR MAHESH DUTT EKKA,  
SECRETARY TO GOVERNMENT

To

Smt.Goda Krishna Kumari W/o Laxmanrao R/o Penuballi (V) & (M),  
Khammam District.

The Project Officer, ITDA and Additional Agent to Government,  
Bhadrachalam, Bhadradi Kothagudem District (w.e.)

Copy to :

The Government Pleader for Tribal Welfare, High Court at Hyderabad.

The Special Deputy Collector(TW), Bhadrachalam, Khammam District.

for information and necessary action.

The Thasildar, Penuballi Village & Mandal, Khammam District.

Sri M.M. M. Srinivasa Rao, & M. Ganapathi Rao, Advocates

#3-183/40/68/C/2, Near Play Ground No.II,

Gandhi Nagar, S.B.I.Colony, Hyderabad-500 080.

P.S to M(TW)/P.S. to Secretary(TW)

SF/SC

// FORWARDED:: BY ORDER //

SECTION OFFICER